

SOUTHERN DISTRICT OF NEW YORK

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FRANCIS J. HARVEY, JR. and  
JEAN P. WILHELM,

07-Civ-6763 (LAP)

Plaintiffs,

-against-

320 OWNERS CORP. and CHARLES LOWERY,  
in his capacity as President of 320 Owners Corp.,

Defendants

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AFFIIRMATION OF SERVICE BY MAIL

STATE OF NEW YORK                    )  
  ): ss  
COUNTY OF KINGS                    )

STEPHEN A. SOMERSTEIN, being an attorney duly admitted to practice before the courts of the State of New York, deposes and says, under penalty of perjury, that he is not a party to the instant action, that he is over eighteen years of age and resides 292 Garfield Place, Brooklyn, New York 11215.

On the 20<sup>th</sup> day of November, 2007, your affiant served the annexed NOTICE OF CONSTITUTIONAL QUESTION and Annexed Exhibits "A" and "B" on the following:

State of New York  
Office of the Attorney General  
Appeals and Opinions Bureau  
120 Broadway--25th Floor  
New York, NY 10271

Being the address designated by the respective parties for that purpose by depositing a true copy of same enclosed in a postpaid, properly addresses wrapper, via certified mail-return receipt requested, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

Dated: Brooklyn, New York  
November 20, 2007

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STEPHEN A. SOMERSTEIN